

**Carlos Hernández**  
Mayor

**Isis Garcia-Martinez**  
Council President

**Luis González**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Katharine E. Cue-Fuente**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Summary Agenda October 8, 2013 7:00 P.M.

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Call to Order - **Council President Garcia-Martinez called the meeting to order at 7:08 p.m.**

Roll Call of Council Members - **All Council Members present.**

- **Also present were:**
  - **Carlos Hernandez, Mayor**
  - **William Grodnick, City Attorney**
  - **Marbelys Fatjo, Acting City Clerk**

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Councilman Vivian Casáls-Muñoz

### **Meeting Guidelines**

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

### **Presentations**

- (1) Mayor Carlos Hernandez presents an Award of Merit to the winners of the First Annual Healthy Eating & Active Living Poster Contest. - **PRESENTED**

Ages 6 - 8

- 1<sup>st</sup> Place: Katherin Garcia
- 2<sup>nd</sup> Place: Kyara Diaz
- 3<sup>rd</sup> Place: Amina Smith
- 4<sup>th</sup> Place: Gabriela Berlanga
- 5<sup>th</sup> Place: Emil Valdes

Ages 9 & 10

- 1<sup>st</sup> Place: Gabriela Barredo
- 2<sup>nd</sup> Place: Victor Vazques
- 3<sup>rd</sup> Place: Monzerrat Bellido

Ages 11 & 12

- 1<sup>st</sup> Place: Odette Rodriguez
- 2<sup>nd</sup> Place: Leisly Esquivel – **Not present to receive the award.**
- 3<sup>rd</sup> Place: Elizabeth Torres

Ages 13 & 15

- 1<sup>st</sup> Place: Maximino Figueroa
- 2<sup>nd</sup> Place: Jennifer Torres
- 3<sup>rd</sup> Place: Anthony Freire

1. Announcement of Amendments/Corrections to the Agenda – **Item B was moved from the consent agenda to the administrative portion of the agenda as item # 4. Items O and 5L were added to the agenda.**
2. Consent Agenda –

**REPORT: Council Vice President Gonzalez removed item O from the Consent Agenda for separate discussion.**

**REPORT: Motion to Approve the Consent Agenda, except item O, made by Councilman Caragol and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0).**

- A. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into a Mutual Aid Agreement with the City of Doral as a participating municipal police department to provide for requesting and rendering assistance for routine and intensive law enforcement situations from the effective date of the agreement through September 30, 2018. (POLICE DEPT.) **APPROVED (7-0) RESOLUTION NO. 2013-97**
- B. ~~Proposed resolution authorizing the Mayor and/or his designee to receive a direct award and to execute any and all documents from the United States Department of Justice, Bureau of Justice Assistance, under the fiscal year 2013 Edward Byrne Memorial Justice Assistance Grant Program, for the total amount of \$61,977.00, for the procurement of police patrol vehicles; and further authorizing the establishment of a separate interest bearing trust account designated for this program. (DEPT. OF GRANTS AND HUMAN SERVICES)-~~**ITEM B WAS MOVED FROM THE CONSENT AGENDA TO THE ADMINISTRATIVE PORTION OF THE AGENDA AS ITEM # 4.**

- C. Request from Lowe's Companies, Inc., for a Christmas Tree Sales Permit, from November 22, 2013 through December 26, 2013, to be located at Lowe's of Hialeah, FL, 1650 West 37<sup>th</sup> Street, Hialeah, Florida. (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**
- D. Report of Scrivener's Error – Fiscal Year 2013-2014 Water and Sewer Rates table, approved by the City Council during a budget hearing held on September 23, 2013, Item 8. Although the correct table is reflected in the approved fiscal year 2013-2014 budget, the wrong table was attached as back up documentation to Item 8 in the Agenda of the September 23, 2013 budget hearing. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**
- E. Proposed resolution naming the 36-Unit Elderly Affordable Housing Apartment Complex located at 355 East 32 Street, Hialeah, Florida, "Villa Luna," in celebration of the current generation of the elderly Hialeah residents. (ADMINISTRATION) **APPROVED (7-0)**  
**RESOLUTION NO. 2013-98**
- F. Proposed resolution naming the 72-Unit Elderly Affordable Housing Apartment Complex located at 275 Palm Avenue, Hialeah, Florida, "Villa Alegria," in celebration of the current generation of elderly Hialeah residents. (ADMINISTRATION) **APPROVED (7-0)**  
**RESOLUTION NO. 2013-99**
- G. Request permission to waive competitive bids, since it is advantageous to the City in that this vendor has provided this service without fail to the City for thirty-seven years, and issue purchase order to Zambelli Fireworks Manufacturing Co., for the purchase of fireworks and related materials for Fourth of July festivities in 2014, for a total cumulative amount not to exceed \$32,200. (EDUCATION AND COMMUNITY SERVICES DEPT.) **APPROVED (7-0)**
- H. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Reflections Productions, Inc., to provide sound, lights, LED video screen, filming and staging for the City's 2014 Independence Day Celebration, for a total cumulative amount not to exceed \$22,268. (EDUCATION AND COMMUNITY SERVICES DEPT.) **APPROVED (7-0)**
- I. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to K & G Associates, Inc., d/b/a TradeMaster, Inc., for the Mobile Eyes Annual Software Maintenance Fee effective October 1, 2013 through September 30, 2014, for a total cumulative amount not to exceed \$19,642. (FIRE DEPT.) **APPROVED (7-0)**
- J. Request permission to award Hialeah bid # 2013-14-3130-00-003 and issue a purchase order to Carlon, Inc. d/b/a Broward Nelson Fountain Service, lowest responsive bidder, to purchase Carbon Dioxide Gas to be used as sanitizing solution for City pools, fountains and aquatic centers, for a total cumulative amount not to exceed \$12,300. (PARKS AND RECREATION DEPT.) **APPROVED (7-0)**

- K.** Request permission to exercise the City's option to renew the contract with Super Landscape & Maintenance, Inc., for the service of grounds maintenance for fiscal year 2013-2014, for a total cumulative annual amount not to exceed \$300,000. Super Landscape & Maintenance, Inc., was awarded grounds maintenance through RFQ # 2011/12-3210-12-010 on September 25, 2012. (PARKS AND RECREATION DEPT.) **APPROVED (7-0)**
- L.** Proposed resolution authorizing the expenditure of Law Enforcement Trust Funds – *State* in an amount not to exceed \$1,000.00 to support the organization of Concerns of Police Survivors (C.O.P.S.), upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED (7-0) RESOLUTION NO. 2013-100**
- M.** Proposed resolution approving the expenditure totaling an amount not to exceed \$11,988.00 from the Law Enforcement Trust Fund – *Federal*, to purchase a one-year updated subscription to the Leadsonline Pawn Shop Automation System from Leadsonline, a sole source vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED (7-0) RESOLUTION NO. 2013-101**
- N.** Request from San Lazaro Catholic Church for a procession permit on December 17, 2013, commencing at 7:45 p.m., beginning on church grounds, 4400 West 18 Avenue, Hialeah, Florida, traveling on West 44 Place to West 16 Avenue, West 16 Avenue to West 42 Street, West 42 Street to West 18 Avenue, and West 18 Avenue ending at church grounds, as approved by the fire department and the police department. (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**
- O.** Proposed resolution endorsing the United Nations Secretary-General's campaign, Unite to End Violence Against Women; supporting the focus on safe spaces on October 25, 2013 also known as "Orange Day" around the world and supporting the "Proudly to End Violence Project". (COUNCIL VICE PRESIDENT GONZALEZ) **APPROVED (7-0) RESOLUTION NO. 2013-102**

**Motion to approve made by Councilwoman Casals-Muñoz, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)**

- 3.** Second reading and public hearing of proposed ordinance granting a 10-foot wide easement to Florida Power & Light Company, a Florida Corporation, for construction, repair and replacement of its facilities in order to serve the 35-Unit Affordable Housing Project for the elderly, in substantially the form as attached as Exhibit "1". **The 10-foot wide easement situated inside property located at 355 East 32 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (LAW DEPT.) **APPROVED (7-0) ORDINANCE NO. 2013-75**

**Motion to approve made by Council Vice President Gonzalez, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)**

- 4.** Proposed resolution authorizing the Mayor and/or his designee to receive a direct award and to execute any and all documents from the United States Department of Justice, Bureau of Justice Assistance, under the fiscal year 2013 Edward Byrne Memorial Justice

Assistance Grant Program, for the total amount of \$61,977.00, for the procurement of police patrol vehicles; and further authorizing the establishment of a separate interest bearing trust account designated for this program. (DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0) RESOLUTION NO. 2013-103**

**Motion to approve made by Councilman Caragol, and seconded by Councilman Hernandez. MOTION PASSED (7-0)**

5. Board Appointments – **REPORT: There were no votes required for items 5a – 5l.**

**REPORT: All members were appointed.**

- a. Re-appointment by Councilwoman Vivian Casals-Muñoz of Rafael Hernandez to the Cultural Affairs Council, for a two year term commencing on November 12, 2013 and ending on November 12, 2015.
- b. Re-appointment by Council President Isis Garcia-Martinez of Adrian Suarez to the Youth Advisory Board, for a two year term commencing on November 13, 2013 and ending on November 13, 2015.
- c. Re-appointment by Mayor Carlos Hernandez of Carlos Lainez to the Cultural Affairs Council, for a two year term commencing on November 16, 2013 and ending on November 16, 2015.
- d. Re-appointment by Mayor Carlos Hernandez of Edwin Perez to the Youth Advisory Board, for a two year term commencing on November 13, 2013 and ending on November 13, 2015.
- e. Re-appointment by Councilman Jose Caragol of Carolina Naveiras to the Cultural Affairs Council, for a two year term commencing on November 27, 2013 and ending on November 27, 2015.
- f. Re-appointment by Councilman Jose Caragol of Luis Zubieta to the Youth Advisory Board, for a two year term commencing on November 13, 2013 and ending on November 13, 2015.
- g. Re-appointment by Councilwoman Katharine Cue-Fuente of Katherine Rey to the Cultural Affairs Council, for a two year term commencing on November 16, 2013 and ending on November 16, 2015.
- h. Re-appointment by Councilwoman Katharine Cue-Fuente of Efrain Santiago to the Veterans' Affairs Board, for a two year term commencing on November 16, 2013 and ending on November 16, 2015.
- i. Re-appointment by Councilman Paul Hernandez of Glen Camilo Reoyo to the Youth Advisory Board, for a two year term commencing on November 16, 2013 and ending on November 16, 2015.

- j. Re-appointment by Councilman Paul Hernandez of Jeffrey Leonard to the Veterans' Affairs Board, for a two year term commencing on November 16, 2013 and ending on November 16, 2015.
  - k. Re-appointment by Council Vice President Luis Gonzalez of Carlos Hugo Gonzalez to the Cultural Affairs Council, for a two year term commencing on November 16, 2013 and ending on November 16, 2015.
  - l. Re-appointment by Councilwoman Lourdes Lozano of Delio Liebrez to the Cultural Affairs Council, for a two year term commencing on November 12, 2013 and ending on November 12, 2015.
6. Unfinished Business – **None.**
7. New Business – **None.**
8. Comments and Questions
- **Mayor Hernandez congratulated the Special Events Department for their efforts in hosting the Hispanic Heritage Event at Milander. Mayor Hernandez invited all to attend City events being held throughout this month.**
  - **Councilman Hernandez stated that the Hispanic Heritage Event held at Milander was beautiful.**
  - **Jose Azze, 788 SE Park Drive, Hialeah, Florida addressed the Mayor, the Council and the City Attorney regarding the El Duque league. Mr. Azze provided a document titled “The City of Hialeah at Benny Babcock Park and El Duke Sports presents The Futures League” for the record.**
  - **Jorge Gonzalez, 711 East 15 Place, Hialeah, FL 33010, commented on the El Duque league.**
  - **Reina Guanchez, 1079 West 29 Street, Hialeah, FL, commented regarding the El Duque league.**
  - **Norey Hernandez, who lives in Kendall, stated that she is the wife of Orlando Hernandez “El Duque” and commented on the league.**
  - **Reina Mason, 851 SE 5 Place, Hialeah, FL, commented in favor of the El Duque league.**
  - **Luis Figuerea, 2730 West 60 Place, #101, Hialeah, FL, addressed the Mayor and the Council regarding the restrooms being closed on Saturday and Sunday at the parks.**

- Rosa Maria Peralta, 2500 West 67 Place, Hialeah, FL, commented in favor of the El Duque league.
- Julio Rodriguez, 754 West 33 Street, Hialeah, FL, addressed the Mayor and Council with comments.
- Juan Santana, 1190 West 56 Street, Hialeah, FL, commented on the El Duque league.
- Julio Martinez, 780 West 80 Street, Hialeah, FL, commented regarding the Urban Youth Academy.
- Ricardo Escarra, 625 West 35 Street, Hialeah, FL, commented in favor of the El Duque league.
- Roxana Green, 7835 West 18 Lane, Hialeah, FL, expressed her concerns with rodents and snakes in the two lots the City purchased located on West 76 Street and 19<sup>th</sup> Court.
- Domingo Garcia, 150 East 1 Avenue, #801, Hialeah, FL, commented in favor of the El Duque league.
- Mayor Hernandez and Council President Garcia-Martinez thanked everyone who was present at the Council meeting and voiced their comments, questions and/or concerns.

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants:** Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

**REPORT: All were duly sworn in.**

## **ZONING**

**PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) and granting a Variance Permit to allow a lot coverage of 33%, where a maximum of 30% is allowed, and to allow a rear setback of 20.71 feet, where 25 feet are required, contra to Hialeah Code §§ 98-547(a) and 98-2056(b)(2). **Property located at 701 East 24 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Raimundo Bocanegra and Jennie Bocanegra*) **APPROVED (7-0) ORDINANCE 2013-76**

**Motion to approve made by Councilman Caragol, and seconded by Councilwoman Casals-Muñoz. MOTION PASSED (7-0).**

- PZ 2.** First reading of proposed ordinance granting a Special Use Permit (SUP) TO allow the use of a Cooking Oil Recycling Plant where oil, water and other liquid and sediment is sold for reuse on property zoned M-1 (Industrial District) and granting a Variance Permit to allow all existing parking spaces to back-out in the street, which is only allowed in low density residential districts or areas, and waive the requirements of the Miami-Dade Landscape Manual as modified and supplemented by the Hialeah Landscape Manual, to wit: 7-foot landscape buffer between the off-street parking and the right-of-way, one tree per 35 linear feet of right-of-way perimeter and one tree for each 80 square feet of landscaped area, contra to Hialeah Code §§ 98-2186 and 98-2197(a). **Property located at 4480 East 11 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Frantz Turnier*) ***(ITEM WAS TABLED on September 10, 2013 and REMOVED FROM TABLE on September 24, 2013) APPROVED (6-1) (COUNCILWOMAN LOZANO VOTED “NO”).***

**Felix Lasarte, Esq., 3250 NE 1<sup>st</sup> Avenue, Suite 334, addressed the council in representation of the applicant.**

- Declaration of Restrictive Covenants
- Two photographs demonstrating a rendering of how the property looks now and how it will look in the near future.
- Letter from Jose Delgado regarding the Operation of Oil for Less, Inc., located at 1690 West 33 Place.
- Affidavit of Lyudo Naus regarding Oil for Less, Inc.
- Photographs of properties owned by the Sharpe family.

**Bob Speed, 7700 North Kendall Drive, Miami, FL, 33156, of SCS Consulting gave his professional opinion regarding the odor caused by this type of business.**

**Barry Sharpe, 1060 East 33 Street, Hialeah, FL, spoke in opposition to the approval of the item. He submitted the following documentation into the record:**

- Letter from Maggie Arango, President of ACE Spray Equipment Service, Inc.
- Documentation titled “Documents submitted by applicant at 9/24/13 meeting”.
- Four pages with information regarding use, hours of operation, traffic expert, smell expert opinion, etc.
- Documentation titled “Obligations of City Council”.

**Jesus Chavez, 12445 SW 45 Drive, spoke in opposition to the approval of the item.**

**Mason Sharpe, Esq., General Counsel for the Sharpe Properties, 1060 East 33 Street, Hialeah, FL, spoke in opposition to the approval of the item.**



**Jose Beckerstein, 4671 East 11 Avenue, Hialeah, FL, spoke in opposition to the approval of the item.**

**Carlos Perez, 4209 West 5 Lane, Hialeah, FL, said he owns the property located 4154 East 10 Lane, Hialeah, FL, spoke in opposition to the approval of the item.**

**Frantz Turnier, 15575 SW 114 Street, the applicant, addressed the Council's questions.**

**Steven Rose, 4500 East 11 Avenue, Hialeah, FL, spoke in opposition to the approval of the item.**

**Motion to approve made by Council Vice President Gonzalez, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (6-1).**

- PZ 3.** First reading of proposed ordinance approving a Final Plat of Bellagio, accepting all dedication of Avenues, Streets, Roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located on a vacant parcel of land on the south side of NW 146 Street and the north side of NW 139 Street, east of NW 97 Avenue and west of the I-75 expressway, Hialeah, Florida. (Applicant: Bellagio Lennar, LLC)** **APPROVED (7-0)**

**Hugo Arza, Esq., Holland & Knight, 701 Brickell Avenue, addressed the council in representation of the applicant.**

**Motion to approve made by Councilwoman Cue-Fuente, and seconded by Council Vice President Gonzalez. MOTION PASSED (7-0).**

- PZ 4.** Recommendation of denial from the Planning and Zoning Official for a variance permit to allow a total lot coverage of 38% (maximum of 30% required); west side setback of 6.9' for existing residence and east side setback of 3.9', for open terrace (7.5' required for each). Property located at **333 East 15 Street, Hialeah** zoned R-2 (One and Two Family Residential District). (Applicant: *Maria T. Vergaras and Miguel A. Perez*) ***(ITEM WAS TABLED on September 10, 2013)*** **APPLICANT HAS REQUESTED THAT ITEM BE TABLED UNTIL OCTOBER 8, 2013.**

**Motion to remove from table made by Councilwoman Cue-Fuente, and seconded by Council Vice President Gonzalez. MOTION PASSED (7-0).**

**Motion to approve and bring back as an ordinance made by Council Vice President Gonzalez, and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0).**

**Meeting was adjourned at 9:45 p.m.**

**NEXT CITY COUNCIL MEETING: October 22, 2013 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: November 26, 2013  
at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).